

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DANNY BARLOR,)
vs. Plaintiff,) NO. CIV-05-1216-T
RON WARD,)
Defendant.)

O R D E R

Plaintiff, a state prisoner appearing *pro se*, brought this action pursuant to 42 U.S.C. §1983, alleging violations of his civil rights. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings. The magistrate judge granted plaintiff's motion to proceed *in forma pauperis* and directed him to pay an initial partial filing fee of \$10.10 by November 9, 2005; plaintiff was advised that failure to do so or to show cause for his failure could result in dismissal of this action without prejudice to its refiling.

Plaintiff did not comply. As a result, on November 30, 2005, the magistrate judge filed a Report and Recommendation [Doc. No. 6] in which he recommended that this action be dismissed without prejudice because of plaintiff's failure to pay the filing fee. The Report and Recommendation also advised plaintiff of his right to object to same, set a deadline of December 20, 2005 for filing objections, and cautioned plaintiff that a failure to timely file objections would result in a waiver of his right to appellate review of the matters determined in the Report and Recommendation.

To date, plaintiff has not filed objections and has not sought an extension of time in which

to do so. Therefore, the Report and Recommendation [Doc. No. 6] is adopted as though fully set forth herein. The action is dismissed without prejudice to its refiling.

IT IS SO ORDERED this 29th day of December, 2005.



RALPH G. THOMPSON
UNITED STATES DISTRICT JUDGE